

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TAURIAN WARING, INDIVIDUALLY AND ON BEHALF OF ALL
OTHER PERSONS SIMILARLY SITUATED,

Plaintiff(s)
Petitioner(s)

INDEX #:
07 CV 10348
DATE FILED:
11/15/2007

- against -

DAVIS REALTY CORP., MILTON DAVIS & MARVIN DAVIS

Defendant(s)
Respondent(s)

JUDGE:
HELLERSTEIN

STATE OF NEW YORK: COUNTY OF NASSAU: ss:

TONY CONIGLIARO, BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION AND IS OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK

That on 11/29/2007, 12:18PM at 372 WEST 46TH STREET, NEW YORK NY 10036, deponent served the within SUMMONS IN A CIVIL ACTION, COMPLAINT AND JURY DEMAND AND COPY OF INDIVIDUAL PRACTICE RULES OF THE HONORABLE ALVIN K. HELLERSTEIN AND COPY OF INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE RONALD L. ELLIS on MARVIN DAVIS, a defendant in the above action.

By delivering a true copy thereof to and leaving with ADRIAN "DOE"/CO-WORKER/REFUSED LAST NAME, a person of suitable age and discretion at the above address, the said premises being the defendant's place of business within the State of NEW YORK.

C/O DAVIS REALTY CORP.

Deponent completed service by depositing a copy of the above described papers in a post paid, properly addressed envelope in an official depository under the exclusive care and custody of the United States Post Office in the State of NEW YORK, on 11/30/2007 addressed to defendant MARVIN DAVIS at C/O DAVIS REALTY CORP., 372 W. 46TH ST., NEW YORK, NY 10036 with the envelope bearing the legend PERSONAL AND CONFIDENTIAL and did not indicate on the outside thereof that the communication was from an attorney or concerned an action against the defendant.

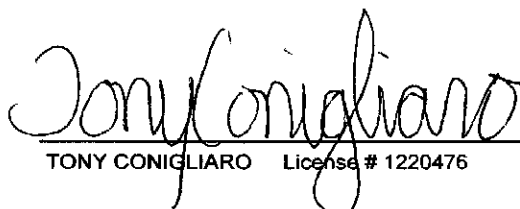
DEPONENT DESCRIBES THE INDIVIDUAL SERVED AS FOLLOWS:

Sex F Approximate age 56 Approximate height 5'06" Approximate weight 138 Color of skin WHITE Color of hair BLACK Other GLASSES

ADRIAN "DOE" told the deponent that MARVIN DAVIS was not presently in the military service of the United States Government or on active duty in the military service in the State of NEW YORK or a dependent of anybody in the military.

THE LAW OFFICE OF
JUSTIN A. ZELLER

840 WEST END AVENUE
APARTMENT #4B
NEW YORK, NY 10025
(212)897-5859


TONY CONIGLIARO License # 1220476

Sworn to before me on 11/30/2007
MAUREEN MCCAFFREY NO.01MC5018583
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN SUFFOLK COUNTY
COMMISSION EXPIRES OCTOBER 4, 2009

